

# THE SPEAKER OF THE ENGLISH HOUSE OF COMMONS

BY  
RAMESH NARAIN MATHUR  
M. A., LL. B.,



FOREWORD BY  
GURMUKH NIHAL SINGH  
M.Sc. ECONOMICS LONDON BAR-AT-LAW.,  
PRINCIPAL, RAMJAS COLLEGE, DELHI.



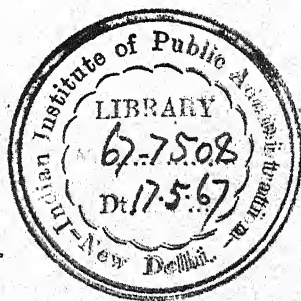
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RAMESH NARAIN MATHUR, M. A., LL. B.

with a Foreword by  
GURMUKH NIHAL SINGH,  
M. SC (Economics) LONDON, Bar-at-Law.  
Principal, Ramjas College, Delhi.



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## FOREWORD

This careful and able study of 'the Speaker of the English House of Commons' was undertaken by Mr. R. N. Mathur, M. A., LL. B., as a preliminary to his thesis on 'President of the Indian Legislative Assembly' which he is preparing under my guidance for the degree of Doctor of Philosophy of the University of Delhi. This short study by Mr. Mathur ought to prove of value to all students of modern government and to members of legislative chambers in India and to all others who are interested in the working of representative institutions.

The office of the Speaker of the English House of Commons has exercised an immense influence upon similar offices in other countries which have adopted parliamentary form of government in the 19th and the twentieth centuries. In India also the English Speaker is held up as a model to the Presidents of the various legislative chambers. But an erroneous idea still prevails very widely that the English Speaker has always been a non-partisan, non-political and an impartial chairman. A study of this booklet which traces the evolution of English Speakership and describes how the English Speaker has gradually achieved his present role will remove this wrong impression and give the correct perspective to understand the task before the Presidents of Indian legislative chambers.

I recommended a careful study of this booklet to all students of modern government and to those interested in the working of democratic institutions.

Ramjas College

Gurmukh Nihal Singh

8th December 1945.

# PREFACE

As a preliminary to my thesis on 'the President of the Indian Legislative Assembly' which I am preparing under the guidance of Principal Gurmukh Nihal Singh of Ramjas College, Delhi, I undertook the study of 'the Speaker of the English House of Commons', the result of which has been embodied in this booklet. The office of the Speaker of the English House of Commons has exercised a very powerful influence upon similar offices of the legislative chambers of other countries where parliamentary government has been introduced. In India also the first person appointed as President of the Central Legislative Assembly was the Honourable Sir Frederick Whyte, a distinguished member of the House of Commons, who was expected to establish in the Indian Legislative Assembly the practices, conventions as evolved by the Speaker of the English House of Commons.

This booklet traces the evolution of the English Speakership from the earliest times to the present day and seeks to remove the erroneous idea which still widely prevails that the English Speaker has always been a non-political and non-partial chairman.

During the preparation of this booklet I have largely drawn upon modern books of constitutional history, references to which are given in the footnotes and they are also indicated in the Bibliography.

I shall be failing in my duty if I do not express the sense of deep gratitude which I feel for Principal Gurmukh Nihal Singh for offering me his help and guidance in writing this booklet and for writing a Foreword to this handbook.

Ramesh Narain Mathur.

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# THE SPEAKER OF THE ENGLISH HOUSE OF COMMONS

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## I

The Speaker of the English House of Commons occupies a unique position among the presiding officers of the legislative chambers in the different countries of the world. His position in several respects is analogous to that occupied by the English King<sup>1</sup>. He resembles the King in respect of dignity and his impartial, non-party and non-political character. His office is also very old. It has been in existence at least since 1377<sup>2</sup>, and it has exercised an immense influence upon similar offices in other countries where representative institutions grew up at a much later date. Today the English Speaker represents at its best the non-partisan, non-political, impartial type of presiding officer—and presidents of legislative chambers in other countries where parliamentary system of government has been introduced have deliberately adopted him as their model. This is particularly so in the countries of the British Commonwealth of Nations. In India, when a beginning was sought to be made in establishing self-governing institutions under the Government of India Act, 1919, and provision was made for the appointment of non-official presidents<sup>3</sup> of the more popular house of the Central Legislature, the first person<sup>4</sup> appointed as President was a member of the English House of Commons, who was to occupy office for four years<sup>5</sup> and who was expected to establish in the Indian Legislative Assembly the practices, conventions and

1. The Procedure of the House of Commons Vol. II. Page 137. Redlich.
2. Ogg. European Governments and Politics Page 209. Sir Thomas Hungerford is the first elected Speaker on record.
3. Till the President of the Central Legislature was the Governor-General himself.
4. The Honourable Sir Frederick Whyte.
5. Government of India Act, 1919 Sec. 12.

traditions as evolved by the Speaker in the House of Commons in England. A careful study of the position and functions of the English Speaker, therefore, is a useful preliminary to the understanding of the working of parliamentary Government.

## II

It is, however, a wrong notion that prevails widely that the Speaker in England has always been a non-party, non-political and an impartial chairman. As a matter of fact it is only since about the close of the 18th century that the Speaker in England has been able to maintain more or less continuously the character of a non-partisan umpire, keeping himself aloof from party politics both inside and outside the House, and of an impartial regulator of the legislative procedure and business in the House. Before the development of constitutional rule in England the Speaker had to play different roles according to the exigencies of the political situation in the country. There were speakers in the beginning who regarded themselves more as agents of the Crown and who advocated and protected the interests of the King in the Commons rather than defended the rights and privileges of the Commoners and so long as the Kings remained powerful Speakers were of necessity subservient to the Crown. When the House of Commons was emerging successful from the struggle for power with the King, the Speakers were able to assert themselves and to become active in promoting the interests of the Commons. However they continued to be active politicians and to promote party and group interests until parliamentary government had fully developed in the country. It, therefore, appears to be necessary to begin the study of the English Speakership with a brief historical review.

## III

The history of the Speakership in England divides itself naturally into three periods<sup>1</sup>—(1) during the pre-Tudor

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1. Redlich. *Procedure of the House of Commons* Vol. 12. Page 156.

Period, or the period of Mediaeval Parliaments ; (2) during the Tudor and Stuart regimes ; and (3) since the beginnings of constitutional rule.

During the first period the choice of the Speaker was greatly influenced by the Crown, although he was formally elected by the House. All the evidence which exists goes to prove that the Commons had not as yet acquired the right of electing the Speaker of their own free choice<sup>1</sup>. The appointment for instance, of Catesby in 1484, writes Gairdener, the historian of Richard III, had in all probability been suggested by the King himself, for Catesby was one of Richard's personal councillors<sup>2</sup>. Moreover on account of the very poor emoluments of the office the Speaker looked up to the King for favours—official appointments, gifts, estates and other prerequisites—and could not afford to be independent<sup>3</sup>. This is why Speakers of this period act more as advocates of the Crown interests than as champions of the rights and privileges of the House. However, some of the Speakers of this period have made an important contribution to the development of their office. For instance it is mentioned in the Rolls of Parliament that the first popularly elected Speaker, Thomas Hungerford, made a daring speech addressed to the throne at the close of the session in 1376, calling the Kings' attention to various grievances and alleged infringements of the liberties of his subjects<sup>4</sup>.

His successor Sir James Pickering is also mentioned as having made a speech asserting the right of free speech and declaring the loyalty of the House to the Throne<sup>5</sup>. He is also said to have set an important precedent which, to some extent, foreshadowed the modern procedure in the Committee of Supply. He demanded of the Crown that a schedule of the exact sums needed, and the purposes for which they were required, be laid before the Commons. It corresponds to

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1. A. I. Dasent. *Speakers of the House of Commons* Page 41.
  2. Gairdener. *History of Richard III* pp. 199, 200.
  3. *Parliamentary History* Vol. I Page 704.
  4. A. I. Dasent. *Speaker of the House of Commons* Page 52.
  5. *Ibid* Page 54.



"estimates for annual expenditure" to be laid before the Commons<sup>1</sup> of our own times.

The precedent of making formal excuses<sup>2</sup> by Speakers on their election was first established in 1381 by Sir Richard Waldegrave, who, on his being elected, begged to be excused from accepting the post, but the King charged him that since he was elected by his colleagues he should carry on his duties. After him it became customary for the Speakers to offer a formal excuse on their election until it was abandoned by Sir Edward Seymore in the reign of Charles II<sup>3</sup>. Another precedent was established in 1461 by Sir James Strangeways, Speaker of the first Parliament of Edward IV. On his election he, not only made the customary formal excuse and made a demand for the continuance of the privileges of the House, but also offered a formal address to the Crown, reviewing the political situation and events of the recent Civil War<sup>4</sup>.

The actions of the Speakers mentioned above were, however, exceptional. The vast majority of the Speakers of the Mediaeval period were subservient to the Crown. If very rarely a Speaker exhibited any signs of independence he was quietly removed. Speaker Thorpe was imprisoned during an adjournment of Parliament in 1452 on the demand of the Duke of York<sup>5</sup>. Ordinarily the Speakers regarded themselves as servants of the king and acted as a link between the Crown and the Commons. The Speaker was appointed on the proposal of a member who was in the service of the Crown. If a Speaker wanted to retire he had to give notice to the Sovereign<sup>6</sup>. The chief reason for the subservience of the Speaker was that he was paid, directly or indirectly, by the Crown. As a matter of fact he was as much a servant of the Crown as the Sergeant-at-Arms. In 1406, for instance, Speaker Sir John Tiptoft received from Henry IV large gifts

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1. A. I. Dasent. Page 54.

2. Ibid Page 54.

3. Ibid Page 53.

4. Ibid Page 89.

5. Townsend 'History of the House of Commons' Vol. I. pp. 3,4.

6. Parliament History Vol. I. pp. 704, 705.

and the office of the forests of Waybridge and Sapley, in the country of Huntingdon<sup>1</sup>.

The House of Commons was powerless before the Crown although it did try to assert itself at least on one occasion. In the early years of Henry V's reign Speaker Stourton was forced to resign because the Commons were offended by his subservience to the King<sup>2</sup>. But so long as the kings were powerful and Speakers were dependent upon the Crown they could not afford to be independent or to act against the wishes of the Sovereign.

#### IV

During the Tudor and the Stuart regimes the Speaker continued to be both the nominee and the servant of the Crown and also subservient to the Sovereign. The kings in this period were too powerful to tolerate independence on the part of the Speakers. But during this period begins the struggle for supremacy between the King and the Commons and the position of the Speaker becomes both awkward and difficult. In one case the formal excuse at the time of election became real unwillingness to accept the office and the person chosen was literally forced into the chair<sup>3</sup>. Some Speakers acted with great courage and decision and refused to take sides. But the vast majority of them found it difficult to assert themselves on account of their dependence on the Crown. However, before this period came to end the Commons succeeded in establishing their right to the free choice of their Speaker.

During the Tudor period the Commons could not exercise free choice in the election of their Speaker. As a matter of fact the House itself was packed with supporters of the

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1. Parliamentary History Vol. I. p 304.

2. Hakewell's Journal Page 205.

3. When a speaker was elected he used to make excuses and to declare that he was unworthy of the choice. In some cases he offered a show of physical resistance when he was being led to the chair. This custom degenerated into a farce later and abandoned by Arthur Onslow in 1729. Porritt's unreformed House of Commons Vol. I Page 452.

Crown<sup>1</sup>. The elections to the House were manipulated. The earliest and crudest form of controlling elections was the beating of the voters by armed forces on the day of the poll. The spirit of independence was almost dead in the House. The Speaker was proposed by a member who held office under the Crown and was expected to act as a mouthpiece of the Crown. The Speaker was a compliant tool<sup>2</sup> of the king. He used to receive an allowance of £100 annually but also held in addition some other place of profit under the Crown. Sir Robert Bell who was Speaker in Elizabeth's fourth Parliament was Lord Chief Baron of the Exchequer<sup>3</sup>. Sir Edward Coke was both Solicitor-General and Speaker in 1593<sup>4</sup>. Sir Edward Philipe, who was Speaker from 1604 to 1611, was also Kings' Sergeant<sup>5</sup>. As Dr. Stubbs puts it "the Speaker of the Tudor regime was like the Chancellor in the upper House<sup>6</sup>".

The Commons were also reduced to such a degree of subserviency that even the imprisonment of their Speaker passed without remonstrance. For instance Sir Nicholas Hare who was Speaker of Henry VIII in 1539-'40 was imprisoned for advising Sir John Skelton how to evade the Statute of Uses in his will. This was considered an encroachment of the royal prerogatives<sup>7</sup>. The Speakers therefore dared not defend the liberties of the House for fear of king's displeasure. They carried out the instructions of the king and were most subservient to him. Puckering, who was Speaker in the reign of Queen Elizabeth, was rewarded for his "complaisant servility<sup>8</sup>" by being made the Keeper of the Great Seal. In reply to Coke's

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1. A. I. Dasent. Speaker of House of Commons Page 115.

2. Ibid Page 127.

3. Parliamentary History Vol. I. Page. 810.

4. Porritt's Unreformed House of Commons Vol. II. Page 436.

5. Redlich. Procedure of the House of Commons Vol. II. Page 1584.

6. Stubbs' 17 Lectures on the Study of Mediaeval and Modern History ! Pages 311 and 312.

7. A. I. Dasent. Speaker of the House of Commons Page 127.

8. Ibid Page 141.

demand for ancient privileges of the House Speaker Pucker-ing replied, "Your right of speech is not to say anything that pleases you and come out with whatsoever may be your thought. Your right of free speech is the right of Aye or No!"

During this period therefore the Speaker interpreted the will of the Sovereign to the House and served the interests of the Crown. He exercised considerable authority as directed by the Sovereign. He admitted bills for consideration of the House and directed when and on what matters to take the vote. He would rule out of order measures not liked by the Sovereign or which encroached upon royal prerogatives. Instances are on record where the Speaker was directed by the Sovereign not to admit measures which concerned 'matters of state or reformation in causes ecclesiastical'.<sup>1</sup> Stubbs gives a lively description of the manner in which Cardinal Wolsey in 1525 bent the Commons to his will through Sir Thomas More, the Speaker of the House<sup>2</sup>. The Speaker in 1592 openly acknowledged<sup>3</sup> in the House that the Sovereign had personally commanded him not to allow bills to be read which concerned matters of state or reforms in causes ecclesiastical. Considerable light is thrown on the part the Speaker played in the Tudor regime by the questions which Wentworth handed over to the Speaker in the Parliament of 1587 in writing and for which he had to undergo a long imprisonment. The questions were—"Whether this Council be not a place for any member of the same here assembled, freely and without controllment of any person or danger of laws, by bill or speech to utter any of the griefs of this Commonwealth? Whether there be any council which can make, add to, or diminish from the laws of the realm, but only this council of

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1. A. I. Dasent. *Speakers of the House of Commons* page 142.
  2. Dewes. *Journal of House of Commons* Page 649. During the sitting of 23rd Nov. 1891. Mr. Secretary Cecil said "And you, Mr. Speaker, should perform the charge Her Majesty gave unto you in the beginning, not to receive bills of this nature."
  3. Stubbs' *Seventeen Lectures* Page 314.
  4. Redlich. *The Procedure of the House of Commons* Vol. 2. Page 159.

Parliament? Whether it be not against the orders of this council to make any secret or matter of weight, which is here in hand, known to the prince, or state, without the consent of the House, or not? Whether the Speaker may over-rule the House in any matter or cause there in question; or whether he is to be ruled or over-ruled in any matter or not....<sup>1</sup>"

From these questions it is clear that the Speaker had become an agent of the Sovereign to curb the powers of the House in the 16th Century. As pointed out by Sir John Eliot in 1625, "the office of the Speaker had been too frequently filled by nullities, men selected for court convenience<sup>2</sup>".

The reason of this subservience of the Speakers to the Crown, as has been pointed out already, was the meagre emoluments of the office. To supplement their income the Speakers naturally looked to the Crown and generally obtained other well-paid offices. The tenure of the chair was a bridge to higher legal honours.<sup>3</sup> However the time was fast approaching when the House refused to accept the dictation of the King and to put up with the servility of the Speaker. The first Stuart King James I entirely failed to understand the temper of the Nation over which he was called upon to rule. During the period of his rule the hostility between the King and the Commons came to a crisis in December 1621, when the House addressed a Petition and Remonstrance to the King recommending that he should declare war against Spain, and that the Prince (Charles) 'may be timely and happily married to one of our religion'<sup>4</sup>. James in return, directed the Commons to forbear from meddling 'with anything concerning our government and mysteries of state,' warning them, at the same time, that they derived their

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1 & 2. Parry House of Commons Journal Vol. I. Page 336.

3. Including the great Sir Thomas More, five Speakers: Audley, Rich, Puckering and Finch became either Lord Chancellors or Keepers of the Great Seal. Hare, Lenthall and White Locke were Commissioners during vacancy. Seven of them Hare, Cordell, Phillips, Lenthall, Grimstone, Trevor and Powle were Master of the Rolls. A. I. Dasent. Speakers of the House of Commons page 135.

4. A. I. Dasent, page 171.

ancient liberty of freedom of speech from 'the grace and permission of his ancestors and himself'.<sup>1</sup> By dim candle light of a winter afternoon, the House forthwith resolved that 'the liberties, franchise, privileges and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the King, State, and the defence of the Realm, and the making and maintenance of laws, and redress of mischief and grievances, which daily happen within this realm, are proper subjects and matters of counsel and debate in Parliament; and that in the handling and proceeding of those businesses every member of the House hath, and of right ought to have, freedom of speech, to propound, treat, reason and bring to conclusion the same; and that the Commons in Parliament have like liberty and freedom to treat of those matters, in such order as in their judgments shall seem fittest; and that every such member of the said House hath like freedom from all Impeachment, Imprisonment and Molestation (Other than by the censure of the House itself), for or concerning any speaking, reasoning or declaring of any matter or matters, touching the Parliament, or Parliament business; and that, if any of the said members be complained of, and questioned for anything said or done in Parliament, the same is to be shewed to the king, by the advice and assent of all the Commons assembled in Parliament before the king give credence to any private information<sup>2</sup> !

On hearing of this emphatic pronouncement of its liberties, James forcibly adjourned the House and tore the protestation in the Journal Book. Pym and Coke were committed to the Tower<sup>3</sup>. It is said that Speaker Richardson did not act impartially at this time and curtailed discussion at a time suited to the king. He was severely criticised for his partiality by Sir H. Mannors and Sir W. Herbert.

Another constitutional crisis occurred in the reign of Charles I when the king had decided to dissolve the House

1. A. I. Dasentpage 172.

2. Ibid Extracted from manuscript Journal of the House of Commons.

3. Ibid p. 173.

and directed Speaker Finch to adjourn it. But the Commons under the leadership of Sir John Eliot resisted the dictation of the king when the Speaker tried to carry out the Royal Orders.

On March 2nd, 1629, when Speaker Finch expressed his desire to leave the House he was kept forcibly in the Chair and the Commons proceeded to transact the day's business. The Speaker refused to allow the Clerk to read out the resolution standing in the name of Sir John Eliot on the plea that he must carry out the orders of the King. The House retorted by asking him to obey the order of the House on pain of being summoned to the bar. The Speaker found himself in a terrible dilemma : "I am not less the king's servant for being yours. I will not say I will not put the reading of the paper to the question; but I must say I dare not<sup>1</sup>". Gradually the situation changed. The struggle between the King and Parliament took a favourable turn for the Commons. This enabled the Speakers to adopt a more independent attitude. The office of the Speaker rose in importance and prestige and the first person who was responsible for raising the status and dignity of the office was Speaker Lenthall. His courageous conduct in the Long Parliament when Charles I had marched into the House in person to attempt the arrest of the five leaders of the opposition won for him universal admiration and eternal glory. When the king inquired of the Speaker whether the persons named by him were present in the House he fell on one knee and answered, "Sire, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here, and I humbly beg Your Majesty's pardon, that I cannot give any other answer than this, to what Your Majesty is pleased to demand of me."

Speaker Lenthall tried to keep the Chair aloof from political controversies and to maintain the position of neutrality. While discarding an attitude of servility to the King he did not take an active part in opposition to the Crown.

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1. Gardiner. History of England Vol. 7 p 68.

2. Ibid Vol. X pp 138-142.



An important step in freeing the Speaker from the influence of the Sovereign was taken during the reign of Charles II. In 1679 the king disapproved of the election of Sir Edward Seymore and suggested the name of Sir Thomas Meres. The Commons strongly resented the action of the king and adjourned the House as a protest. A deputation was sent to the king and asked for the maintenance of the ancient rights of the Commons to have a free choice of their Speaker. The Commons refused to elect the person named by the king and the conflict continued for some time. Ultimately a compromise was arrived at. Seymore was passed over and the Commons elected Serjeant Gregory in preference to the king's nominee, and thus established their right<sup>1</sup>. However the Speaker continued to hold a government appointment<sup>2</sup> in addition for many years after this incident.

## V

During the third period i.e., when the evolution of constitutional government was taking place in England the conception of the office of the Speaker underwent a remarkable change. It is true that regal influence persisted long afterwards. Even in the Parliament of 1721-1727 Walpole asserted that the way to the Speaker's chair lay through the gates of St. James's Palace<sup>3</sup>. The Speaker also continued to hold a Crown appointment in addition to his own duties till long afterwards. Until 1834 the Speaker was not debarred from taking part in a debate or in the Committee of the Whole House. Again as the principle of re-electing the Speaker without contest was not still fully established, the Speaker on dissolution re-entered the party list and canvassed for his return. Speakers early in the eighteenth century were so much interested in private affairs that they

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1. Parliamentary History Vol. IV pp. 1092-1112.
  2. Walpole said in 1772 that the road to that station (Speakership) lay through the gate of St. James's. It was Sir Arthur Onslow who resigned government appointment as he thought it to be inconsistent with the dignity of his office.
  3. Sir Arthur Onslow who was eager to be elected Speaker was told by Walpole that Speakership could only be secured through the influence of the Crown.



contracted to promote legislation of interested parties on payment of money. This action was condemned later and it was realised that the Speaker should maintain complete impartiality and should dissociate himself completely from all party ties and connections in and outside the House. But the progress of the development of the non-partisan impartial Speaker was exceedingly slow. During George III's reign specially attempts were made by the king to hinder the growth of the new tradition of speakership. But all his attempts ultimately failed. The chief contribution to the development of the non-partisan and impartial Speaker was made by Arthur Onslow who occupied office for thirty-three years without a break and was able to establish stable and durable traditions. It was really towards the end of the eighteenth and the beginning of the nineteenth century that the Speaker became independent of his party as well as of the Crown and thus acquired the characters which have made him a model president of a legislative chamber.

As has been pointed out the Commons had to struggle long to assert their right of electing their own Speaker. Regal influence persisted long afterwards and survived the Revolution. During the reign of William III in 1695 Wharton, Comptroller of king's household tried to impose a nominee of the Crown on the House.<sup>1</sup> But exception was promptly taken. It was pointed out on the floor of the House 'that it was contrary to the undoubted rights of the House of choosing their Speaker, to have any person who brought any message from the king to nominate one of them'. Wharton persisted and proposed the name of Sir Thomas Lyttleton. He was succeeded by Sir Henry Goodrich. A debate was held and another person Paul Foley was proposed by Sir Christopher Musgrave and seconded by Lord Derby. On a division Wharton's proposal was rejected and Foley an independent Speaker was elected to the Chair<sup>2</sup>. From Foley's election may be dated the beginning of the evolution of the Speakership from the 'semi-courtier to the

1. Porritt's *Unreformed House of Commons* Vol. I p 444

2. *Ibid* Vol. I p 445.

strictly non-partisan office<sup>1</sup>; that we know today. But even after this memorable constitutional contest the Crown continued to exercise considerable influence over the election of the Speaker for some time later. As late as 1721-1727 when Arthur Onslow was eager to be elected Speaker he was told by Walpole that the way to the Speaker's Chair lay through the gate of St. James's palace. It is still difficult to say whether he was elected independently or he owed his selection to the direct interest of the Crown. But he was the most impartial Speaker in the eighteenth century and he raised the prestige of the office of the Speaker to a very high level. George III, specially tried to control the election of the Speaker and during his reign the tradition of freely electing Speakers could not be maintained. George III was 'at once prime minister, election manager, and chief distributor of the Government patronage'. It is said that it was George III who exerted his personal influence in preventing the re-election of Norton (1770-1780) who was an avowed opponent of the king. In his place he got Wolfran Cornwall elected a Speaker<sup>2</sup> who was a member of the Court Party.

Analogous to this another custom which persisted long was the custom of offering excuses by the Speaker on his being elected to the Chair—that he was unworthy of the office and that the Crown may choose a better person in his place. Sir Spencer Compton in 1715 went through these hollow and meaningless formalities, and again when he was re-elected Speaker in 1722<sup>3</sup>. Arthur Onslow when he was elected in 1727 made these formal excuses, but in 1741, he abandoned them on his being re-elected. Instead he thanked the House for re-electing him. "Since gentlemen have commanded me to this eminence," he said, while still on the steps leading to the chair, and before the Sergeant-at-Arms had put the mace on the table "I have only to return my humblest thanks for this particular instance of their favour to me, the sense of which I hope I shall always retain, with the respect and gratitude to

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1. Porritt's *Unreformed House of Commons*. Vol. I p 445.
  2. *Reddish Procedure of the House of Commons*. Vol. II p 165.
  3. Porritt's *Unreformed House of Commons*, Vol. I page 452.

the House this mark of their esteem will ever claim from me<sup>1</sup>".

After Onslow Cust who succeeded him in 1761 returned to the old usage, and made the meaningless plea at the bar of the Lords<sup>2</sup>. Grenville followed the precedent set by Onslow in 1741, and made no such plea before the king. Addington, courtier-like reverted to all the former customary usages associated with the election of the Speaker. But he was the last Speaker to make the mock modesty plea; and before the Reforms Act the ceremony connected with the choice of the Speaker by Commons was well established on which Onslow had placed them. As has been pointed out above, in 1780 George III prevented the re-election of Norton and secured the election of Cornwall as Speaker. This is the last instance in which the King influenced the election of a Speaker. After George III Parliamentary Government developed rapidly and a strong tradition was built up in favour of free election of the Speaker by the House. Another factor that worked in the same direction was the developement of a new conception of the powers and functions of the Speaker which necessitated the selection of an independent person, who was not an agent of the Crown as Speaker. The speakers also began to develop a greater sense of responsibility and independence and shook themselves of subservience to the Crown. As stated already for a long time the Speaker used to hold a Crown appointment in addition to his office in the House. Sir Spencer Compton, who became Speaker in 1715, also held the lucrative office of Paymaster-General. It was Sir Arthur Onslow who resigned the lucrative office of the Treasurship of the Navy which he regarded as inconsistent with the dignity of the office of the Speaker.<sup>3</sup> This action of his was praiseworthy for he made a great personal sacrifice and contented himself with the modest fees assigned to the office for the next 18 years of his tenure of the office. Onslow deserves credit for having established a tradition which was later on enforced by Parliament in 1790

1. Cobbett's Parliamentary History Vol. 12. Page 219.

2. Ibid Vol. 15 pp: 1154-06.

3. Harvey Memoirs Vol. I. p. 157.

when Speaker's emoluments were fixed at £6,000 a year<sup>1</sup>. After Onslow no Speaker held any Crown appointment. It is said that Sir Fletcher Norton who was elected Speaker in 1772 was proposed for the Mastership of Rolls. But the Lord Chancellor objected and the appointment was not made.

Thus towards the end of the eighteenth century the Speakership was emancipated from the influence of the Court. There was, however, another factor which hindered the evolution of the non-partisan speaker. It was the development of the party system in England in 18th Century. Speakers in the 18th Century were often strong followers of a particular political party and contested elections on party lines. Richard Onslow was a Whig and after completing his term of Speakership from 1705 to 1708 re-entered the party and contested his seat on the party ticket. He was unsuccessful and his defeat in Surrey was an object of great joy to the Tories<sup>2</sup>. The Speaker's office in those days was of a political and a partisan character.

It was Arthur Onslow who completely disassociated himself from party affiliations and set the high example of impartiality and complete aloofness from party affairs. But the tradition of non-partisanship established by Onslow was not maintained by his successors. Cust who succeeded Onslow, and was Speaker until 1770, was a nullity<sup>3</sup>. His glaring partisanship earned him the rebuke in the House from members of all parties and he had to make apologies<sup>4</sup>. An incident occurred in 1762. It arose out of the latitude permitted by the Chair to the counsel while hearing an election petition. Rigby rebuked him thus: "I am very sorry", said Rigby, calling the attention of the Speaker to the violation of the rules by the counsel, "to address you in this manner, and put you in mind of your duty, which you should know better than I. Permit me to say you are but young in that chair. I wish to see you many years in it. But I have been long enough in

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1. Porritt's Unreformed House of Commons Vol. I. page 450.

2. Ibid Vol. I. page 446.

3. Ibid Vol. I. page 458.

4. Redlich. Procedure of House of Commons, Vol. II. page 184.

the House to know what is and what is not disobedience to orders".<sup>1</sup> The Speaker mildly apologised but he maintained that the learned counsel in that case had not transgressed the rules of the House.

Norton who succeeded Cust (1770-1780) was an active party politician and an avowed opponent of the king. In 1777 when a bill had been passed making better provision for the king's household, Norton remarked to the king that the "grant was great beyond example, great beyond His Majesty's highest expense, but they have done it in a well-grounded confidence that you will apply wisely what they have granted willingly".<sup>2</sup> This attitude of Norton as has been pointed out before incurred George III's displeasure who prevented his re-election and in his place a member of the court party, Wolfran Cornwall, was elected Speaker<sup>3</sup>.

Addington who was Speaker from 1789 to 1801, showed great party leanings by unduly favouring Pitt and by permitting him to override the authority of the Chair. The Pitt-Tierney episode of May 25, 1798 is the most memorable in Addington's tenure of the Chair<sup>4</sup>. Pitt made a proposal that a bill for the increase of the navy should be expedited through all stages in one sitting. Tierney the Leader of Opposition objected to this irregular proposal.

Pitt rebuked him badly. Tierney referred the matter to the Speaker. The Speaker called upon Pitt to explain but Pitt did not do so but again repeated his remarks. The Speaker kept quiet over the whole matter. Another aspect of this question was that speakers in the 18th century were in the habit of speaking in debates and in Committee of the Whole House and also exercised their right as private members of having a voice for or against a measure at the Committee

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1. Massey History of England Vol. I. page 548.

2. Cobbett's Parliamentary History Vol. 19. page 213.

3. See page 10.

4. Porritt's Unreformed House of Commons Vol. I. Page 461.

Stage<sup>1</sup>. Foley, who was otherwise independent, exercised his right as a private member when the House sat as Committee of the Whole House. He spoke against the employment of the Dutch and French officers in the English army and navy; and he also took a prominent part in the debate on the abortive scheme of 1696 for a land bank<sup>2</sup>. Harley who succeeded Foley in 1701 took part in debates both in the House and in the Committee in 1704. Sir Thomas Hanmer who was elected Speaker in 1714 addressed the House in Committee on April 15th, 1714 on the state of the nation and on the danger to the protestant succession. This speech was of great significance. For the next 50 or 60 years the Speakers abandoned this practice. However, Sir Fletcher Norton, who was elected to the Chair in 1770, reverted to the old practice. He was a great partisan and his sympathies were openly with the opponents of the War with America and with the party in the House which was fighting for such reforms in the representative system as were embodied in the Grenville Act. He spoke on the Royal Marriage Bill when it was in Committee in 1772. He did not confine himself to the Committee Stage in expressing his opinions but addressed the Crown at the close of the Session when money bills were being presented in 1777 saying that the allowance granted to the King was 'great beyond example, great beyond Your Majesty's highest expense'. Cornwall who was elected to the Chair in 1780 by the efforts of the King spoke once in Committee in 1785. Grenville who succeeded Cornwall and held office until June 1789 after his election spoke in Committee on the Regency Bill<sup>3</sup>. Addington, who was Speaker from 1789 to 1801 showed strong party leanings and in 1797 made a short but memorable speech on Pitt's proposition for trebling the assessed taxes. In 1799 Addington spoke at length in favour of the resolutions for the Union of Ireland with Great Britain<sup>4</sup>.

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1. When the House went into the committee another member other than the Speaker was appointed chairman but the Speaker exercised his right of participating in the deliberation of the committee as a private member. Porritt's *Unreformed House of Commons* Vol. I p. 446.
  2. *Dictionary National Biography* Vol. 19 p. 355.
  3. *Cobbett's Parliamentary History* Vol. 28 Page 994.
  4. *Ibid* Vol 34 Page 448-467.

Abbot, who was Speaker from 1802 to 1817, was as prominent in Committee as Fletcher Norton, and on one question was a strong partisan. Abbot was a keen supporter of the measures for the purification of the House of Commons; and in 1809 opened the debate in Committee on Curwen's Bill for the prevention of the sale of seats in the House<sup>1</sup>. But his greatest effort was against Gratton's Bill of 1813 for Catholic Relief. When the Bill was in Committee on 24th May, Abbot made a speech which brought about the failure of the Bill. The House severely criticised Abbot for his inflammatory speech. That speech led to the proposal of a vote of censure on the Speaker in the House of Commons. Abbot defended himself upon old precedents, quoting the action of the 16th century Speakers. Although the motion of censure was rejected but the general consensus of opinion was that the Speaker should hold the balance fairly between contending political parties and should not associate himself with party interests.

After Abbot Manners-Sutton also took part in debates in the House and in the Committee. In 1825 he spoke in Committee in opposition to Catholic Relief Bills. In 1834 he again spoke in Committee in opposition to the bill for admitting dissenters to the Universities. After 1834, except for Denison who spoke only once in Committee in his entire tenure of 15 years, the Speaker ceased to take part in the debates. From that time practice grew that the Speaker should retire to his private room when the House goes into Committee of the Whole House from where he could not be fetched except to restore order in the House or to take the Chair when progress in Committee is reported<sup>2</sup>. Thus towards the end of the thirties of the 19th century the Speaker was stopped by a strong tradition from taking part in the deliberations of the House and in the Committee as a private member. It required of him the work of an impartial and non-partisan chairman.

1. Hansard First Series Vol. 14. pp 837-843 quoted in Perritt's Unreformed House of Commons.
2. Porritt's Unreformed House of Commons Vol. I p 476.



Again towards the end of the 18th century the Commons began to feel that the speakers should completely sequester themselves from public and private affairs. But early in the 18th century Speakers were so much interested in private affairs that they contracted to promote legislation of interested parties on payment of money. For example in 1695 the aldermen of the city of London had to offer a thousand guineas to Speaker Trevor for getting their bill passed as an Act.<sup>1</sup> This action of Trevor was condemned later on and he was expelled from the House on the charge of accepting bribes.<sup>2</sup> Although self-respecting speakers detested this mean practice but it was not considered improper if the Speaker listened to a deputation of people who were interested in promoting a particular legislation. Arthur Onslow for example was waited upon by a committee representing the dissenters of London who were agitating for a repeal of the Test Act, to ask for his aid for getting a bill passed to that end.<sup>3</sup> But as time passed on public opinion organized itself against this type of influencing by the Speaker. Towards the end of the 18th century and in the beginning of the 19th century people demanded of the Speaker complete impartiality even outside the House. They wanted 'a man who was zealous in behalf of the liberties of the people, zealous in behalf of popular prerogatives; to be the organ of the House in its communications with the Crown; to represent their feelings firmly, zealously and openly, without fear of offending or a wish to conciliate those who might have the dispensing of favours'.<sup>4</sup> Manners-Sutton who succeeded Abbot in 1821 was a fairly impartial Speaker in the House in spite of his having taken part in Committees. Although he was impartial in the management of the House, he cannot be said to have completely dissociated himself from party ties and connections. In 1831-32 when the Grey Administration was trembling in balance in the crises over the Reforms Bill, Manners-Sutton took part in the confidential talks of the Tory leaders. Early in 1831 the opponents

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1. Townsend History of the House of Commons Vol. I pp 59-62.

2. Ibid Vol. I p 448.

3. Porritt's Unreformed House of Commons Vol. I page 448.

4. Ibid Vol. I p. 479.



of reform, at a party at the Speakers' House, discussed a plan of 'striking an effectual blow at the administration on the question of reform.<sup>1</sup> Afterwards in May 1832, Manners-Sutton after hesitation refused to undertake the formation of a Tory administration,<sup>2</sup> Again Manners-Sutton in 1833-34 spoke in Committee against the bill for the admission of dissenters to the universities and it is doubtful if he were altogether free from responsibility for the overthrow of the Melbourne administration. The Commons by rejecting him when he stood for re-election in 1835 made it quite plain that they desired Speakership to be kept free from party politics.

After Manners-Sutton Abercromby succeeded him. He was the last Speaker to maintain close relations between the Chair and his party.<sup>3</sup> He was master of the mint in the Grey and Melbourne Administrations and on his election to the Chair he did not completely cut himself from his former political associations.<sup>4</sup> After Abercromby Shaw Lefevre was a strong non-partisan Speaker. It was he who established the tradition that the Speaker not only be impartial in action and utterance but must keep himself aloof from all party interests in and outside the House. Denison who succeeded Shaw no doubt spoke once during his tenure of 15 years' office and helped to defeat a budget proposal which he regarded as unjust<sup>5</sup> but after him there has been no instance of this kind. Today the Speaker has completely disappeared from the Committee and is never seen in a division lobby.

As a corollary of this it was necessary for Speakers after finishing their term of office not to reappear as private members. But it took a long time to establish this tradition. In the 18th century we have numerous instances of ex-Speakers appearing in the House as private members and contesting elections. As yet it had not become a convention to re-elect the Speaker without a contest. Richard Onslow after his defeat in re-election in Surrey was again in the House as a member

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1. Porritt's *Unreformed House of Commons* Vol. I p. 479.

2. *Dictionary National Biog.* Vol. 36 p. 48.

3. Porritt's Vol. I p. 479.

4. *Dictionary National Biog.* Vol. I p. 41.

5. Denison. *Notes from My Journal* page 257.

for the little Cornish-borough of St. Mawst. Similarly Camp-ton's Speakership is memorable because he was confronted in the House by two ex-Speakers, Bromley and Hanmer. Bromley was still a member of the House during part of Arthur Onslow's tenure<sup>2</sup>. Cornewall, who was Speaker from 1780 to 1789, had to face for two years Fletcher Norton, his predecessor in the Chair. Abbot, who was Speaker from 1802 to 1817, for some years had to confront Addington, one of his immediate predecessors in the Chair. But when Addington appeared in the House as a private member the House greatly resented it as by then the House had developed a different conception of the office of the Speaker. Addington felt this awkward situation and a solution was found by transferring him to the House of Lords as Lord Sidmouth.<sup>3</sup> For an ex-Speaker to sit again as a member in the House is not only derogatory to the prestige of the office but it also makes the work of the new Speaker difficult and his own position awkward. This was realised and from 1805 we do not hear of any Speaker re-entering the party list after retiring from Speakership.

Towards the end of the 18th century the Speaker had secured absolute independence in a material sense also. He was provided by an Act of Parliament with a salary of £5,000 a year, free from all deductions and taxes, and an official residence in Westminster Palace.<sup>4</sup> But it took considerable time for people to realise that the only way to safeguard the independence of the Speaker was to grant him a fixed annual salary, like the salaries of judges, being not paid out of the annual vote but charged on the Consolidated Fund. The old method of remunerating the Speaker was principally by fees on private bills. The Speaker was empowered by the rules of the House to collect five guineas for every private bill, five guineas for every private enacting clause, and ten guineas for

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1 & 2. Porritt's *Unrefrmed House of Commons* Vol. I p 447.

3. *Pellow Life of Sidmouth* Vol. II page 316.

4. *Ibid* Vol. I page 68 by a Parliamentary enactment of 1832 the Speaker was fixed a salary of £ 5,000 a year clear of all taxes and impositions and to be paid out of the consolidated fund.

every bill which concerned a county or a corporation.<sup>1</sup> The fees collected by the Speaker had averaged £1232 a session. He was also in receipt of an allowance of five pounds a day from the Exchequer. In addition to this payment from the Exchequer the Speaker was paid one thousand pounds as equipment money at the beginning of a new Parliament. He also received a service of plate of two thousand ounces which was equivalent to a hundred pounds and he also received one hundred pounds a session for stationery.

This long standing practice of remunerating the Speaker principally by fees was stopped in 1780, and a fixed salary was granted by an Act of Parliament. It directed the treasury to issue at the Exchequer an allowance to the Speaker which with fees and allowances of five pounds a day should amount to an annual sum of six thousand pounds. It was also laid down that the Speaker was not to hold any place of profit under the Crown. The Act of 1832 repealed the Act of 1790 substituting for it another Act which abolished completely the fee system and fixed a salary of £6,000 annually, payable out of the Consolidated Fund, and directed that it should be clear of "all taxes, and impositions". Since 1857 the Speaker has a salary of £ 5,000 a year and an official residence at Westminster.

Gradually greater dignity and prestige began to accrue to the office of the Speaker. In course of time the office became one which a man of commanding ability might regard as his coveted prize. From the year 1790 the Speaker, as the first Commoner, occupied a rank next to the peers of Great Britain both in and out of Parliament. In all public commissions also he took such a rank and had the precedence at the Council table among the Privy Councillors.<sup>2</sup> According to an order-in-council of 1919 he ranks next after the Lord President of the Council and this makes him the seventh subject of the realm<sup>3</sup>. When the Speaker retires, a peerage is

1. Cobbett's Parliamentary History Vol. 28 p. 1003.

2. Porritt's Unreformed House of Commons Vol. I p. 474.

3. Ogg. European Governments and Politics p. 212.

conferred upon him and he receives a liberal pension of £4,000 a year<sup>1</sup>.

## VI

The historical survey given above<sup>2</sup> enables us to understand the present position and functions of the Speaker of the English House of Commons. Today the Speaker is the Chairman of the House and his chief function is to preside over its sittings, to maintain order therein, to regulate its work in accordance with the rules of procedure, to see that each member enjoys his privileges and conducts himself in a seemly manner, and to ensure that the work before the House is done expeditiously and well. The Speaker is the keeper of the honour and dignity of the House and is also the spokesman of the Commons before the Crown and the channel of communication between the House in its collective capacity and the Crown.

The abilities and qualities required of the occupant of the Chair are of no mean order. Christopher Yelverton while excusing himself when he was chosen for the office in 1497, described them in this wise :— "Your Speaker", said he, "ought to be a man big and comely, stately and well-spoken; his voice great, his carriage majestic, his nature haughty and his purse plentiful". During Henry IV's reign when Tiptoft was proposed to the Chair he "excused himself on account of his youth and other causes"<sup>4</sup>. Since that time tradition and custom have invested the office with dignity. As pointed out by Professor Frederick A. Ogg the Speaker today must 'be a man of parts—able, vigilant, imperturbable, tactful'<sup>5</sup>. "The plentiful purse is still a convenience, though the haughty nature can easily be overdone"<sup>6</sup>. Generally the

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1. The only exception being made in 1928 on the retirement of Mr. John H. Whitley from Speakership who broke with precedent of more than a hundred years by declining the offer of peerage on personal reasons.
  2. See pages 1-22.
  3. Ogg. *European Govt. and Politics* page 243.
  4. *Parliamentary History* Vol. I p. 239.
  - 5 & 6. Ogg. *European Govt. & Politics* page 243.

person selected is a man of advanced age, with a judicious temperament and of impressive personality, with long experience of parliamentary business and possessing personal integrity and political impartiality. He must have a clear grasp of the rules of procedure, a quick eye and an alert mind and an amazing skill and sagacity in handling men and managing the Parliamentary business. He is expected to sever himself from all partisan motives and connections and to act on all occasions as an impartial umpire.

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After a general election when the new House meets for the first time an official messenger of the House of Lords comes and invites the Commons to the bar of the upper House where they hear read the letters patent authorising the session, followed by an announcement by the Lord Chancellor, that it is the desire of the Crown that they proceed to choose 'some proper person' to be their Speaker. The Commoners then return to their own chamber and proceed to the election of the Speaker.

As stated above<sup>1</sup> it has also become an established practice that the retiring Speaker is re-elected each time until he expresses his intention to retire altogether and go to the Upper House<sup>2</sup>. The change in party majority does not affect the position. During the 19th century there were occasions when the majority party changed, as in 1841, 1874, 1886 and 1895, but the retiring Speakers were re-elected as a matter of course<sup>3</sup>. The present Speaker, Captain E. A. Fitzroy was first elected in 1928 and on August 15, 1945, when the New House assembled for the first time after the Labour Victory at the polls, he was again elected as Speaker.

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1. See page 16.

2. Ogg. European Govt. & Politics page 245.

3. During the whole of the 19th century only three Speakers originally belonged to the Tory Party namely Sir John Mitford (1801), Charles Abbot (1802-1817) A.C. Manners-Sutton (1817-1835), the others were all members of the Whig or Liberal Party. They were Mr. J. Abercromby (1835-1839), Mr. C. Shaw Lefevre (1839-1857), Mr. John E. Denison (1857-1872), Mr. H.B. Grand (1872-1884), J. Lowther (1906-1921,) Sir John Whitley (1921-1928), Vide Redlich. Procedure of the House of Commons Vol. II pp 133-134.

If, however, the previous Speaker expresses his intention not to stand for re-election and a new man is to be found, the selection is made before the new House assembles. It is done by the Cabinet, chiefly by the Prime Minister, who looks over the field and selects the 'proper person' making sure that he will be acceptable to at least the Government majority in the House. The person chosen invariably belongs to the majority party and is elected by the votes of his party.

After the motion for the election has been carried, the Speaker-elect, addressing the House, not from the Chair, but from the steps to the Chair, pledges himself to maintain the rights and privileges of the Commons, and asks the aid of all his colleagues in doing this. He then takes the Chair, and the Sergeant-at-Arms who is the custodian of the mace lays it on the table. After that the approval of the Crown to the choice of the Speaker is taken. For this purpose the Commons are summoned by the black rod to the bar of the House of Lords. They go in a procession from their chamber to that of the Lords. In this procession, the Sergeant-at-Arms, bearing the mace, goes first, closely followed by the Speaker, who is also attended by a group of the members of the House of Commons.

At the bar of the House of Lords the Speaker after announcing his election submits himself with all due humility for the approbation of the Crown. Approval and confirmation are announced from the Throne; and the Speaker then demands 'the ancient and undoubted rights and privileges of the House' <sup>1</sup>. These granted, the Speaker and his retinue return to the House of Commons. Then follows the oath-taking ceremony and the Speaker is the first to set the example of taking and subscribing to the oath required by law and after him all other members of the House are sworn. When these

1. The rights are freedom of person, right of free speech and other technical privileges. The Speaker, when a new Parliament is opened, claims from the Crown, at the bar of the House of Lords, the confirmation of the privileges of the Commons. Redlich. Procedure of the House of Commons Vol. II page 148.

formalities are over the House can start on its regular business.

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From the moment of his election to the Chair the Speaker discards every party affiliation that he formerly had, both within the House and without, and he abstains scrupulously from expressing any political opinion. He even resigns his membership of the party club. It is on account of his political impartiality and non-partisanship that he is entrusted with the task of appointing the members of great conferences or commissions, such as the one which did spade-work preliminary to the Electoral Reform Act of 1918. In addition, he sometimes presides over such conferences. The Speaker's conference of 1917, consisting of 36 members selected by Speaker Lowther (1905—1921), was called with a view to fair representation not only of political parties but of all schools of thought on electoral matters and supporters of proportional representation, advocates of women and adult suffrage. The Speaker himself acted as the Chairman of this Conference and after studying carefully the subject of electoral reform submitted a report in 1917 which formed the basis of Representation of the People Act, 1918. This great piece of legislation swept away all restrictions upon manhood suffrage and conferred the ballot upon some 5,000,000 women, thereby raising the total number of voters from some 8,500,000 (in 1915) to slightly more than 21,300,000. Practically the whole of the electoral law as it stands today is to be found in this remarkable report submitted by the Speakers' Conference.

The very fact that the Speaker was entrusted with the responsibility of paving the way for a comprehensive, non-partisan reconstruction of the electoral system is a clear proof of the esteem and confidence which the nation has reposed in the Speaker. The Speaker's prestige by this signal work rose to a very high level.

Another important contribution of the Speaker was embodied in 'Proposals of a Speakers' Conference on Devolution' (1920). After the close of the World War it was



generally held that Parliament's prestige had sunk to a very low level. Devolution was the remedy devised to relieve Parliament and the Cabinet of their surplus of legislative and supervisory burdens. The Speakers' Conference<sup>1</sup> in the spring of 1920 laid before Parliament two alternative plans, one the Speaker's Plan, the other the plan of Mr. Murray Macdonald, one of the members belonging to the minority<sup>2</sup>. These conferences bear testimony to the high trust the people and political parties in England repose in the impartiality, integrity and sound judgement of the Speaker. Whenever a non-partisan solution of important and difficult constitutional problem is under contemplation the help of the Speaker is sought.

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Apart from these special functions which the Speaker occasionally performs his normal functions are also of great importance. The Speaker's functions normally fall under two heads, administrative and judicial. As chairman of the House he maintains law and order in the House and exercises all the disciplinary powers of the Chair formulated in the standing orders and as prescribed by the unwritten law of the House. He issues warrants by the order of the House for the commitment of offenders against its privileges, for the issue of writs to fill vacancies among its members, for the attendance of witnesses, or bringing the offenders to the bar for rebuke or sentence. He is the sole and final judge of the proceedings of the House. He decides whether a question or a supplementary question should be put or not, whether motion or amendment is in order or not. He regulates the debates, not merely by deciding who is to speak but also by seeing that the rules are observed strictly. He exercises his power to apply the closure of the debate i.e., a device to circumvent the obstructionist tactics of the minorities and also in regard to the selection of amendments. Under the Parliament Act of 1911, it falls to the Speaker to decide (if

1. This conference on Devolution was presided over by Speaker Lowther.
2. Although the proposals made by the Speaker's conference did not result in bringing about devolution, their importance is non the less great.



there is a doubt) whether a given bill is or is not a money bill—a decision which may, of course, go far towards determining the fate of the measure. Upon him also devolves the task of appointing the members of great conferences or commissions and of presiding over them. As a judge his function is to give his decisions on important constitutional points which are known as his 'Rulings'. It is here that his high qualities of head and heart are put to a severe and crucial test. In all important decisions, and specially in making a change of practice, he must be in agreement with the general opinion in the House. He must hold the balance equally between the contending parties and must be guided by the multitude of precedents established in the course of centuries. These decisions meet the new situation and are subject to no appeal. He must apply the rules of procedure to the best of his ability and with perfect impartiality. He must protect the interest of minorities as against the oppression of the majority but at the same time safeguard the rights of the majority. When he is called upon to give his casting vote he exercises it in such a way as to keep the question open for reconsideration. In all matters the decision of the Speaker is final. "The Chair, like the Pope", humorously replied Speaker Lowther when asked how errors that he made could be rectified, "is infallible"<sup>1</sup>.

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In modern times Speakers have had to deal with two difficult problems in performing their normal functions to which a brief reference may be made here. They relate (1) to the exercise of the casting vote and (2) to preventing organised obstruction or lengthy debates.

The exercise of the casting vote is governed by Rulings of previous Speakers. From the time of Speaker Addington two principles have guided Speakers in their decisions upon giving the casting vote. They are now considered part of the Parliamentary Law. In the first place a Speaker is expected to exercise his Casting vote in such a manner as to keep the question open for reconsideration. This is usually done to

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1. Ogg. European Govts. & Politics p. 244.

safeguard the interest of minorities. For instance, in 1797 Speaker Addington gave his vote, upon a tie, in favour of the third reading of a bill, so as to give the House another chance of reconsidering and of arriving at a certain decision<sup>1</sup>. Secondly, when he records his vote, he explains the ground on which he acts and this is recorded in the Journal of the House. For instance, in the division upon the Church Rates Abolition Bill, Speaker Denison, explained that in his view the settlement of the question should be left to the future<sup>2</sup>.

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The second difficulty became great from the last quarter of the 19th century. In 1881 when the Irish Parliamentary Party offered wilful obstruction by discussing measures at an inordinate length, Speaker Brand, with the connivance of the Government suddenly terminated debate, although there was a large minority against such a procedure<sup>3</sup>.

This exceptional procedure was legalised by the Standing Order of 1881 under the name of 'Urgency Rule'<sup>4</sup>.

The simple closure having proved ineffective when applied to large, complicated and hotly contested measures, a more coercive and stringent measure was introduced known as 'closure by compartment'. According to it the House agrees in advance upon an allotment of time to the various parts of the measure, debate on each part is terminated at the appointed time and a vote is thereupon taken on that part. It was first used in 1893 by Speaker Peel when Gladstone's second Home

1. Redlich Procedure of the House of Commons Vol. II page 135.
2. Speaker Denison's Casting Vote postponed for several years the settlement of the long vexed question of church rate (Denison's Notes from my Journal page 95).
3. Speaker Brand took resort to this exceptional course for ensuring orderly debate and for circumventing the dilatory tactics of the Irish obstructionists. Redlich. Procedure of the House of Commons Vol. I page 160.
4. Under the urgency rule the standing order runs as follows :-  
 "After a question has been proposed, a member rising in his place may claim to move that the question may now be put, and unless it shall appear to the Chair that such a motion is an abuse of the rules of the House, or an infringement of the rights of the minorities, the question shall be put forward without debate.

Rule was before the House<sup>1</sup>. The third form of closure, nick-named 'Kangaroo' authorizes the Speaker to single out those amendments to a motion or bill which he considers most appropriate for discussion. This was employed by Speaker Lowther in 1911 at the Committee and Report stages of the Parliamentary Bill, as it permitted him to decide which amendments offered to a bill were to be debated by the House. Closure in this form was regularized by a Standing Order in 1919. It imposes a heavy responsibility on the presiding officer, but it is 'a tribute to his impartiality and saves much time'<sup>2</sup>. Rulings on the closure given by Speakers have been regularised by being embodied in Standing Orders.

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These rulings clearly establish the political impartiality and party neutrality which characterises the office of the Speaker. The English Speaker is expected to sever himself from partisan motives so far as human nature can permit. Custom forbids him to give any help to his own party even in the form of personal advice. The anxiety to avoid even suspicion of partisan thought is so much that most of the recent Speakers have never entered the political clubs of their party after accepting the office. But there do arise occasions when the maintenance of strict neutrality becomes impossible. Reference has already been made as to how Speaker Brand had to respect the wishes of the majority and to assume almost dictatorial powers given to him by the majority when in the middle of the seventies of the 19th century the Irish Parliamentary Party offered 'wilful obstruction'<sup>3</sup>. And who can tell whether the Speaker will not be called upon to over-ride the obstruction of the Capitalist minority when the Labour majority tries to carry out its socialistic programme in the future?

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1. Erskine May Parliamentary Practice page 342.

2. Ogg, European Govts. & Politics page 225.

3. See page 22.

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